

BIG GAS SCHEME STILL UNFOLDS.

Journal's Injunction Set for Argument Next Monday.

How the Board of Aldermen Sought to Give the City "Cheaper" Gas.

Refused Rival Companies a Hearing and Always Favored the Higher Bidder.

SOME FIGURES THAT DON'T LIE.

Comparative Statement Gleaned from the Aldermen's Records Showing That One Company Vainly Undersold Another.

The Journal's great victory for the taxpayers in preventing the gift of the \$10,000,000 gas franchise was the talk of the town yesterday. Deep interest was also shown in the injunction proceedings. A motion made before Judge Trux in the Supreme Court to make permanent the injunction obtained by the Journal, restraining the city authorities from making the gas franchise a law, was argued by Lawyer Einstein.

In behalf of the Journal he said he was ready to proceed. Assistant Corporation Counsel Turner appeared for the Mayor and the Board of Aldermen and said he was ready, but that there was no ground for the injunction as the Board of Aldermen had recalled the gas resolution.

Then Lawyer James B. Campbell, for the Fuel Gas Company, asked to be heard on the question of the legality of the acts of the Board of Aldermen in regard to the gas franchise, but he was not ready to proceed, and wanted delay. R. S. Guern-

sey appeared for Aldermen Getz and Dwyer, and moved to strike out the allegations of fraud in the Journal's complaint, on the ground that they were "scandalous."

Must Submit Affidavits.

Lawyer Einstein asked the Court to direct the Mayor to serve copies of any opposing affidavits that he intended to present on Monday this week, as he wished to prepare his argument. The Judge ordered affidavits to be submitted to Mr. Einstein on Saturday. After hearing the decision as to whether the argument should not proceed forthwith, Justice Trux decided to let the argument stand adjourned until next Monday at 11 o'clock.

President Jerolman, of the Board of Aldermen, has been quoted as referring to the attempt to legalize the gas franchise as a "great steal." The president said nothing of the kind, he declares, and in that particular has done a great injustice. He has always said the Aldermen were honest, but ill advised.

As the gas-favoring Aldermen have insisted that their position was correct in the main, and that the resolution might be brought up again with a few amendments, this question of giving away city franchises for a small consideration still, remains the center of the controversy.

The most inexplicable feature of the Aldermen's action is their refusal to have the gas franchise put up for competitive sale, the highest bidder to take the franchise.

Public Ignorant About Gas.

There is still ignorance among the people in regard to this question. Ordinary illuminating gas costs \$1.25 per thousand. The Journal began a crusade for \$1 gas. The consolidated companies said they were making no money to speak of. Well-dressed cashiers and bank bookkeepers in the big offices looked horrified when Journal reporters sought the figures as to the cost of gas making. They said they would lose their jobs and the companies have to close down if gas dropped to a dollar. Most of the big salaries gas presidents refused to speak at all.

Gas secretaries and treasurers said it showed ill-breeding for editors to expect the public to pay for the gas. They always added, "There is no money in the business." Several companies have not paid expenses for years. When shown that Chicago gas is \$1 per thousand, Cleveland gas even cheaper, Wheeling gas 25 cents per thousand, and gas all over the world cheaper than in this city, they only smiled.

New York Gas the Best?

"You should know that Chicago gas is adulterated and will hardly heat water," explained an official. "In London Americans have to light candles to see when their gas is burning. The gas of country towns is thick and sticky, unhealthy and wasteful. New York gas is the best in the world. It throws out a twenty-fold more power radiance, and keeps down the death rate."

It was this discussion and the complaints of gas consumers, the Aldermen said, that made them hasten to relieve the situation by voting for cheap gas. "But fuel gas has to do with fuel gas," said one. "It has nothing to do with the names of the companies that sell it. The Journal has shown that many of

those names are bogus, and that the genuine ones thought they were petitioning for illuminating gas at 50 cents. It has also been shown that this 50-cent artificial gas can be manufactured at 10 cents a 1,000. This shows that a 50-cent margin per thousand ought to give the company enormous dividends for helping the poor to cheap gas in return for the privilege of taking possession of the city and tearing up the streets. These are some features of the question.

Holding Up a Plot.

The Journal has succeeded in preventing the squandering of the city's property and unleashing on the city a preposterous and unlawful scheme.

The Aldermen, in defence of their extraordinary profligacy of other people's property in the shape of franchises, replied in defence that fuel gas at 50 cents a thousand is cheaper than coal at \$5 a ton; that gas is always at hand; you have to burn a stop cook, and they you are a big roaring fire under the range, and an hour's time in fooling around with bad coal saved for the day, the servant girl in a glow of amiability; the breakfast cooked to a Delmonico turn; the man of business able to catch his train, with a delicious fuel gas cooked breakfast under his coat—all these benefits being the result of wise legislation on the part of the Aldermen.

Now a few facts from the Journal. Mayor Strong proved by expert reports at the gas hearing that while "fuel gas" is highly explosive, penetrating and immediately so. No pipes, no joints, will prevent leakage. The fuel gas penetrates the soil in all directions, strains up through the pavement, blows dwelling houses, manufactures and institutions where used; explodes frequently, causing destruction to property and serious loss of life.

Fuel Gas Dear at 40 Cents.

It was also stated as an important fact that ordinary illuminating gas, as poor as it is, is cheaper at \$1.25 for heating pur-

poses than unrefined fuel gas at 40 cents. In addition, illuminating gas is already piped throughout the city, and the Aldermen would not be put to the trouble of steering gas franchises through the Mayor's office.

Now, in regard to the claims of "sincerity" and "devotion to public interests" on the part of the Aldermen. They have made the statement that they have no preferences for any particular company or system of gas, that investigation was courted, and other companies would not be barred from competition. Affidavits and documents on file in the Aldermanic chamber tell a different story.

The New York Fuel Gas Company petitioned for a franchise. The Aldermen recalled the Consumers' Gas Company had already entered the field. It was shown that the company was not legally organized or on record in the County Clerk's office. Later the corporation remedied these defects and the petitions of both companies went to the Board of Aldermen within a few weeks of each other.

The Consumers' Fuel Gas scheme seemed to have the call, the petition went to the Committee on Lamps and Gas, namely, Messrs. Schilling, Hackett, Goodman, Noonan and O'Brien.

How About the Rival Petition?

What disposition was made of the rival petition? It was sent to the Committee on Streets-Messrs. Woodward, Schilling, Noonan, Abbott and Wood. It will be observed that two members of the Gas Committee are on the Street Committee. The Consumers' petition was pushed right along. It became a favorite, while the rival petition was not only held back, but the committee for the company could not get a public hearing. In other words, they turned him down.

Aldermen in their interviews have said they were for the poor of New York, and against monopolies and coal barons. They asked their city-crow gas forward and Mr. Noonan said to a Journal reporter the other day, as did Mr. Goodwin, that their commitment to a man wanted this fifty-cent fuel gas. Every one of those Aldermen declared to the reporters that they had no axes to grind, either big or little. Interests to serve, no jobs to hide. All was honest and clear as sunlight with them.

SUSTAIN SECRETARY OF WAR.

Representatives Vote to Abolish the Hot Springs Hospital.

Washington, Dec. 16.—The House today devoted nearly all of a four-hour session to the army appropriation bill for the year ending June 30, 1898, in committee of the whole. A great portion of the time was spent in discussing a bill of the chairman of the committee, Mr. Rogers, that an amendment to cut off the Hot Springs Hospital, as recommended by the Surgeon-General and Secretary of War, was out of order, being a change of existing law.

The question affected the power of the House under the expenditure to limit, restrict or define the appropriation of money carried by an appropriation bill. On one point the committee—31 to 23—sustained the chairman, but later refused to sustain him 37 to 84—and the amendment cutting out the hospital was agreed to.

Mr. Bailey asked unanimous consent for consideration of a resolution directing the construction of the battle ship Texas, but it was referred without action.

"The Wide World" and "Pillows-Des." Ask for them at toy stores.

KISSES THE GIRLS, DR. HUGHES SAYS.

"Sometimes Out of Sympathy," While Others Are "of Affection."

Rector of the Church of the Holy Sepulchre Testifies to This.

Takes the Stand in His Own Defence in the Suit Brought by Little Mary Slavak.

HE HAS NO PREFERENCE AS TO AGE.

Offered Hush Money to the Child's Parents Because He Was Fearful Lost the Charge Should Be Made Public.

Although thirty years in the ministry, during part of which time he was the chaplain of the British troops in India, and pressed

washing. She was afraid she would soon have to go to eldritch to help support the family. As a result of these confidences "both my wife and myself became interested in her," said the rector.

Was interested in Mary.

"Did you take Mary to your study prior to March 31?" asked Mr. Wellman.

"Not that I am aware of," was the answer.

"Was she there with you on March 31?"

"Yes."

He said he met her by appointment, as he wished to examine her about her lessons.

"Did you lock the door?"

"No."

"Did you close the door?"

"Not that I remember."

"Did you treat her as he says you did?"

"I solemnly aver I did not. I deny it absolutely."

"Did you draw her into your lap?"

"Certainly not. I gave her one kiss, because I felt sorry for her and sympathized with her. She had been talking about her poor condition."

"Was there anything further than that kiss?"

"Not a single thing."

In response to a question as to why he had offered money to the family through the Rev. Mr. Pisk, to have the matter kept quiet, the rector answered that even a breath of such a thing would injure him irreparably. He was afraid of being lampooned in the newspapers, especially as a short time before he had published an article attacking the press. And at that time he was preaching to large congregations, and he knew if the affair became public he would have to give up preaching.

Dr. Hughes braced himself as his lawyer concluded, and Lawyer Palmer arose to begin the cross-examination. The first question was:

"Do you consider the kissing of little girls a part of your pastoral duties?"

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"You don't hesitate to kiss the teachers, as well as the children?"

"If you mean that I kiss the teachers, I do not."

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"Do you kiss all the children?"

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"All, what per cent get kissed and what per cent escape."

"Sometimes I kiss children out of sympathy."

"Do you always kiss children out of sympathy?"

"No."

"What other cause do you kiss them?"

"Affection," murmured the witness.

"You sometimes kiss them because you want to, don't you?"

"Large girls."

"No, some I kiss out of fatherly affection."

"How many girls have you kissed in a month?"

"I cannot say."

"You haven't kept a record?"

"No."

"Now, you had an appointment with Mary that day, did you not?"

"Yes."

"For what purpose?"

"To examine her in her studies."

"You had nothing to do with those studies, why did you wish to examine her?"

"To find out whether she was as bright as she had stated."

"You knew that she was a bright girl before that, did you not?"

"Yes."

"Now, when you unlocked the church

door and let yourself and Mary into the church on that day, you knew it was deserted."

"I expected to find my secretary there."

"Does your secretary not lock the door when she goes out?"

"Well when you had to unlock the door, did not that tell you that your secretary was out and the church deserted?"

"The janitor might have been in there, He has keys."

"Oh, that's your explanation," said Mr. Palmer. "Does your secretary always remain in the room when you have callers?"

"Yes, in or near the room."

"Why do you do that?"

"As a safeguard."

"Well, when you found that your secretary was out why did you take Mary in your room?"

"I did not consider her dangerous."

"Oh, you consider the older ones most dangerous?"

"Yes."

"Now you were arrested and brought to the Police Court?"

"I was not arrested," broke in the witness. "I do not know why I was not. I ought to have been."

"We will all agree with you on that. Doctor. Then when you were summoned, did you see Mary or any of her people there?"

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"No one ever appeared for her?"

"Not that I know of."

Slavak Didn't Want Money.

Earlier in the proceedings Frank Slavak, Mary's father, testified that he did not know of the occurrence until two months after it had happened. He denied that he had demanded \$1,000 as hush money, and said he didn't want money.

"Did you want money for my daughter, I don't want money."

After London's Frank Bartoszek had testified to his conversation with the girl's parents, and that Mrs. Slavak said she wanted \$1,000, Thomas Capek, the lawyer who the father had first visited, was called. Notwithstanding the objection that any conversation he had with the parents was a privileged communication, as between client and counsel, he was allowed to testify that he told the parents that if they demanded money it would be black mail, and that he would drop the case, and that their answer was "all right." It was elicited that while he was acting for the Slavaks he had had frequent interviews with Dr. Hughes and with his witnesses. And from the time you abandoned the case you made up your mind to help the defendant all you could? At any rate, you have been to the office of the defendant's attorney and have told him to want you would testify?

The principal witness in favor of the Rev. Dr. Hughes was his private secretary, Miss Mary Lorie. She displayed a disposition to avoid answering questions directly to the annoyance of the lawyers. She said it was customary for the rector to have the young girls visit him in his study. On the day of the alleged offense she had reached the church about 2:30 o'clock. The church door was open and so, too, was the study door. The rector was seated at his desk and Mary was standing by his side. Both were calm.

How long does it take to go from the church door to the study?"

"Just fifteen seconds. I timed it in anticipation of being asked that question."

The secretary testified.

"Now," said Lawyer Palmer, on cross-examination, "did you ever go into the church when it was deserted to attend to your girls and find Dr. Hughes in his study with a little girl—hearing the girl's lessons?"

"No."

"Was the answer, after a long pause, and the reply was so faint it had to be repeated."

"Was it his habit to have little girls in his study when the church was deserted?"

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"But I ask you was it his habit?"

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Earlier in the proceedings Frank Slavak, Mary's father, testified that he did not know of the occurrence until two months after it had happened. He denied that he had demanded \$1,000 as hush money, and said he didn't want money.

"Did you want money for my daughter, I don't want money."

After London's Frank Bartoszek had testified to his conversation with the girl's parents, and that Mrs. Slavak said she wanted \$1,000, Thomas Capek, the lawyer who the father had first visited, was called. Notwithstanding the objection that any conversation he had with the parents was a privileged communication, as between client and counsel, he was allowed to testify that he told the parents that if they demanded money it would be black mail, and that he would drop the case, and that their answer was "all right." It was elicited that while he was acting for the Slavaks he had had frequent interviews with Dr. Hughes and with his witnesses. And from the time you abandoned the case you made up your mind to help the defendant all you could? At any rate, you have been to the office of the defendant's attorney and have told him to want you would testify?

The principal witness in favor of the Rev. Dr. Hughes was his private secretary, Miss Mary Lorie. She displayed a disposition to avoid answering questions directly to the annoyance of the lawyers. She said it was customary for the rector to have the young girls visit him in his study. On the day of the alleged offense she had reached the church about 2:30 o'clock. The church door was open and so, too, was the study door. The rector was seated at his desk and Mary was standing by his side. Both were calm.

How long does it take to go from the church door to the study?"

"Just fifteen seconds. I timed it in anticipation of being asked that question."

The secretary testified.

"Now," said Lawyer Palmer, on cross-examination, "did you ever go into the church when it was deserted to attend to your girls and find Dr. Hughes in his study with a little girl—hearing the girl's lessons?"

"No."

"Was the answer, after a long pause, and the reply was so faint it had to be repeated."

"Was it his habit to have little girls in his study when the church was deserted?"

"If he wanted to see them."

"But I ask you was it his habit?"

"If he wanted to see them."

The calm reply, and after putting the question twice again without receiving any more satisfactory answer, Lawyer Palmer threw up his hands in despair, and Miss Lorie left the stand with a smile.

The testimony is all in the lawyers will set up this morning and the case will be given to the jury. The warden and vestrymen of Dr. Hughes's church, which is in Seventy-four street, near Park avenue, have interested themselves in the case, and are stanch in his defence. They have sent out a circular in regard to the matter, in which they say in part:

"We hereby denounce the disgraceful attempt to ruin the reputation and impair the usefulness of one who has ever walked uprightly before God and man, and of whose goodness to these in distress and need have ample evidence."

"For after a thorough investigation of all the circumstances of the case, we are of the unanimous conviction that the charges are a tissue of falsehoods."